

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EURAL DEBBS, SR.,

Plaintiff,

v.

DIGNITY HEALTH HOSPITAL,

Defendant.

No. 2:22-cv-0284-KJM-KJN PS

ORDER

On February 14, 2022, plaintiff (who is proceeding without counsel) filed this action alleging racial discrimination in the care he received at the defendant hospital. (ECF No. 1.) Plaintiff also requested leave to proceed in forma pauperis. (ECF No. 2.) For the following reasons, the court concludes that the case was mistakenly filed in the Sacramento division of the Eastern District of California, and therefore transfers the action to the Fresno division.¹

The court's Local Rules provide that "[a]ll civil and criminal actions and proceedings of every nature and kind cognizable in the United States District Court for the Eastern District of California arising in Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced,

¹ Because this order does not affect the viability of any claim or defense in this action, it is a nondispositive order within the undersigned's authority to issue, even without consent to magistrate jurisdiction. See 28 U.S.C. § 636(b)(1)(A); In re U.S. Dep't of Educ., 25 F.4th 692, 699 (9th Cir. 2022) (order that "merely transfer[s] the action to another federal court and [does] not affect the viability of a claim or defense" is nondispositive order within magistrate judge's jurisdiction).

1 Stanislaus, Tulare, and Tuolumne counties shall be commenced in the United States District
2 Court sitting in Fresno, California” E.D. Cal. L.R. 120(d) (emphasis added). Local
3 Rule 120(f) permits the court, on its own motion or motion of any party, to transfer the action to
4 another venue within the district if “the action has not been commenced in the proper court in
5 accordance with this Rule, or for other good cause.” E.D. Cal. L.R. 120(f).

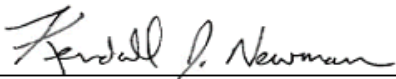
6 Because plaintiff is complaining of care received in a Bakersfield hospital and provides
7 Bakersfield addresses for himself and the defendant hospital, it is clear that this action arises in
8 Bakersfield—which is located within Kern County. Actions arising in Kern County must be
9 commenced in the Fresno division, not the Sacramento division, of the Eastern District of
10 California. See E.D. Cal. L.R. 120(d). Therefore, the action is now being transferred to the
11 Fresno division of the court.

12 Good cause appearing, IT IS HEREBY ORDERED that:

- 13 1. The action, including the pending motion to proceed in forma pauperis, is
14 TRANSFERRED to the Fresno division of this district pursuant to Local Rule 120(f);
15 a. Because the defendant is located in Kern County, the Clerk of Court is
16 instructed to directly assign the case to the Magistrate Judge sitting in
17 Bakersfield, as provided in Local Rules Appendix A, Sub (I)(4).
18 2. All future filings in this case shall reference the new Fresno case number assigned and
19 shall be filed at:

20 United States District Court
21 Eastern District of California
22 2500 Tulare Street
Fresno, CA 93721

23 Dated: March 25, 2022

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE
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